

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
)	Case No. 1:10-CR-03-002
v.)	
)	Chief Judge Curtis L. Collier
ALLEN FITZGERALD)	
)	

ORDER

The Court has received a Report and Recommendation (“R&R”) from United States Magistrate Judge William B. Carter, recommending Defendant Allen Fitzgerald (“Defendant”) be found competent to stand trial (Court File No. 40). The Court has received a forensic evaluation of Defendant (Court File No. 37). That evaluation found Defendant to be competent to stand trial, and not to be suffering from a mental disease or defect to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist properly in his own defense (*Id.*). On April 28, 2010, a notice of waiver of competency hearing was submitted by defense counsel (Court File No. 36). Based upon this information, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter’s R&R (Court File No. 40), pursuant to 28 U.S.C. § 636(b)(1), and **DETERMINES** Defendant is competent to stand trial.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE